

ATTORNEY DOCKET NO.
017575.0922

12-08-06

SERIAL NUMBER
10/091,838

JAC
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dean C. Alberson et al.

Serial No.: 10/091,838

Filed: March 6, 2002

Art Unit: 3679

Examiner: Daniel P. Stodola

Confirmation No.: 8562

Notice of Allowance Mailed: October 4, 2006

Title: HYBRID ENERGY ABSORBING REUSABLE TERMINAL

MAIL STOP PETITION

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REINSTATEMENT OF PATENT TERM UNDER 37 C.F.R. §1.705(b)

Sir:

In the Determination of Patent Term Adjustment Under 35 U.S.C. § 154(b), which accompanied the Notice of Allowance and Fee(s) Due, mailed October 4, 2006, the U.S. Patent and Trademark Office (PTO) indicated that a patent issuing from the above-captioned patent application was not entitled to a patent term adjustment. The Issue Fee is due January 4, 2007 and is being paid concurrently with the filing of this petition.

Pursuant to 37 C.F.R. § 1.705(b) Applicants sets forth the following in support of the Petition for Reinstatement of Patent Term.

12/08/2006 EAYALEW2 00000084 020384 10091838

01 FC:1455

200.00 DA

STATEMENT OF FACTS

A Notice of Allowance was originally mailed September 9, 2004 in connection with the above-identified application (see Exhibit A). The Issue Fee,

Publication Fee and, Formal Drawings were filed via Express Mail September 14, 2004 (see Exhibit B). The Issue Notification was mailed November 25, 2004 indicating that the application would issue December 14, 2004 as U.S. Patent No. 6,830,237 (see Exhibit C). Applicants received a Notice of Withdrawal from Issue Under 37 CFR § 1.313 mailed December 8, 2004 indicating that the patent had been withdrawn from issuance due to an interference (see Exhibit D). On January 10, 2005 Applicants received from Examiner Ryan Flandro notification that prosecution of the application had been suspended due to a potential interference (see Exhibit E). Applicants filed a Response to Notice of Withdrawal from Issue on March 14, 2005 (see Exhibit F). On October 26, 2005 Applicants received from Examiner Daniel Stodola a second notification regarding suspension of prosecution due to a potential interference (see Exhibit G). Throughout the suspension period Applicants filed several Requests for Status, dated March 5, 2005, July 21, 2005, and April 26, 2006 respectively (see Exhibit H). In response to Applicants's final Request for Status, dated September 29, 2006 Applicants received the above-referenced Notice of Allowance mailed October 4, 2006 (see Exhibit I).

According to the Patent Term Adjustment History (PTAH) for the above-captioned patent, which Applicants' representative printed from PAIR (see Exhibit J), the PTO determined that any patent issuing from this application is not eligible for patent term. Applicants, however, believe that due to the original patent being withdrawn from issue by a third party, and through no fault of Applicants, the patent should be eligible for a five hundred twenty-five(525) day patent term adjustment as determined below.

Under 37 C.F.R. § 1.702(a) the PTAH indicated a delay in prosecution by the PTO which resulted in an adjustment of thirteen (13) days to the patent term. Further, under 37 C.F.R. § 1.702(c) Applicants believe an adjustment of six hundred and sixty-four (664) days should be added to the term of any patent issuing from this application due to the withdrawal of the patent from issue by a third-party as outlined above. In addition, the PTAH indicated that Applicants' delays resulted in a one hundred fifty-two (152) day reduction in patent term under 37 C.F.R. § 1.704(b). Accordingly, as outlined above, Applicants believe that the total patent term adjustmen should be five hundred twenty-five(525) days.

CONCLUSION

In accordance with 37 C.F.R. §1.705(b) Applicants respectfully request that the PTO adjust the period of patent term to five hundred twenty-five(525) days.

Authorization for the commissioner to charge the fee for this petition in the amount of \$200.00 to Baker Botts LLP's deposit account number 02-0384. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

By:

Bradley P. Williams
Registration No. 40,227

Dated: 12/16/09
Customer No. 05073
Telephone: 214.953.6447

ATTORNEY DOCKET NO.:
017575.0922

SERIAL NO.
10/091,838



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dean C. Alberson et al.
Serial No.: 10/091,838
Filed: March 6, 2002
Group No.: 3679
Examiner: Daniel P. Stodola
Notice of Allowance Mailed: October 4, 2006
Confirmation No.: 8562
Title: HYBRID ENERGY ABSORBING REUSABLE TERMINAL

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Issue Fee Transmittal (PTOL-85) (one (1) page) and the Petition for Reinstatement of Patent Term Under 37 C.F.R. § 1.705(b) (fifty-four (54) pages) are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on this 6th day of December 2006 addressed to Mail Stop ISSUE FEE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Willie Jiles
Willie Jiles

Express Mail Receipt
No. EV 732504848 US

ATTORNEY DOCKET NO.
017575.0922

PATENT SERIAL NUMBER
10/091,838

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

DOCKETED

NOTICE OF ALLOWANCE AND FEE(S) DUE

05073 7590
BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

09/09/2004

*Issue Fee & Drawings Due:
December 9, 2004
Pay by: November
9, 2004*

EXAMINER

FLANDRO, RYAN M

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 09/09/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,838	03/06/2002	Dean C. Alberson	017575.0922	8562

TITLE OF INVENTION: HYBRID ENERGY ABSORBING REUSABLE TERMINAL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	12/09/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,838	03/06/2002	Dean C. Alberson	017575.0922	8562
05073	7590	09/09/2004	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				FLANDRO, RYAN M
ART UNIT		PAPER NUMBER		
		3679		

DATE MAILED: 09/09/2004

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,838	03/06/2002	Dean C. Alberson	017575.0922	8562
05073	7590	09/09/2004		
EXAMINER				
FLANDRO, RYAN M				
ART UNIT		PAPER NUMBER		
3679				

DATE MAILED: 09/09/2004

Notice of Fee Increase on October 1, 2004

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2004, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" because an increase in fees effective on October 1, 2004 is anticipated. See Revision of Patent Fees for Fiscal Year 2005; Proposed Rule, 69 Fed. Reg. 25861, 25863, 25864 (May 10, 2004).

The current fee schedule is accessible from WEB site (<http://www.uspto.gov/main/howtofees.htm>).

If the fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due" but not the correct amount in view of the fee increase, a "Notice of Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice of Pay Balance of Issue Fee," if the response to the Notice of Allowance is to be filed on or after October 1, 2004 (or mailed with a certificate of mailing on or after October 1, 2004), the issue fee paid should be the fee that is required at the time the fee is paid. See Manual of Patent Examining Procedure (MPEP), Section 1306 (Eighth Edition, Rev. 2, May 2004). If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously-paid issue fee should be paid. See MPEP Section 1308.01.

Effective October 1, 2004, 37 CFR 1.18 is proposed to be amended by revising paragraphs (a) through (c) to read as set forth below. As stated above, the final fee may be a different amount, and applicant should check the WEB site given above when paying the fee.

Section 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (Sec. 1.27(a))..... \$670.00
By other than a small entity..... \$1,340.00

(b) Issue fee for issuing a design patent:

By a small entity (Sec. 1.27(a))..... \$245.00
By other than a small entity..... \$490.00

(c) Issue fee for issuing a plant patent:

By a small entity (Sec. 1.27(a))..... \$325.00
By other than a small entity..... \$650.00

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



Notice of Allowability

Notice of Allowability	Application No.	Applicant(s)
	10/091,838	ALBERSON ET AL.
	Examiner Ryan M Flandro	Art Unit 3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Applicant's Amendment submitted 6/4/04.
2. The allowed claim(s) is/are 9-12, 14-21 and 33-35.
3. The drawings filed on _____ are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 1/13/03.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>20040604</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 9, line 4. The word “ambered” has been amended to read --cambered--.

2. Authorization for this examiner's amendment was given in a telephone interview with Luke Pederson on 22 June 2004.

EXAMINER'S REASONS FOR ALLOWANCE

3. The reasons for allowance are properly indicated in the previous Office action (May 6, 2004). As stated in Applicant's reply, the Affidavit submitted 15 April 2003 (“Affidavit”) was not considered in the most recent Office action and the claims are allowable for the reasons indicated in the May 6th Office action.

Additionally, however, in Applicant's response on 04 June 2004 Applicant requested that the Affidavit “be withdrawn from consideration in the present application, and any related applications.” As a point of clarification for the record, the Affidavit is not withdrawn from consideration in the present application or any related applications. The Examiner confirms that the claims in the instant application distinguish over the cited prior art (including the Stephens reference) for the reasons indicated, and notes that said Affidavit is still part of the record.

Applicant's request falls short of expunging the Affidavit from the record in accordance with MPEP §§724.05-724.06 and is not, therefore, precluded from being considered in related applications.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/091,838

Page 4

Art Unit: 3679

RMF
RMF
June 22, 2004

J.P. Cottingham
John P. Cottingham
Patent Examiner



Page 1 of 1

PTO-1449 Information Disclosure Citation O 1 in an Application	Application No. 10/091,838		Applicant(s) Dean C. Alberson, et al.
	Docket Number 017575.0922	Group Art Unit 3679	Filing Date March 6, 2002

JUN 04 2004

U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
A	3,643,924	02/22/1972	Fitch	256	13.1	09/24/1970
B	3,693,940	09/26/1972	Kendall et al.	256	1	12/08/1970
C	3,856,268	12/24/1974	Fitch	256	13.1	09/17/1973
D	3,919,380	11/11/1975	Smarook et al.	264	164	12/26/1973
E	4,200,310	04/29/1980	Carney, III	280	784	07/20/1978
F	4,399,980	08/23/1983	van Schie	256	13.1	06/23/1981
G	4,583,716	04/22/1986	Stephens et al.	256	13.1	04/22/1986
H	4,645,375	02/24/1987	Carney, III	404	6	05/23/1985
I	4,784,515	11/15/1988	Krage et al.	404	6	02/23/1988
J	5,011,326	04/30/1991	Carney, III	404	6	04/30/1990
K	5,403,112	04/04/1995	Carney, III	404	6	09/08/1993
L	5,775,675	07/07/1998	Sicking et al.	256	13.1	04/02/1997
M	5,823,584	10/20/1998	Carney, III	293	102	10/08/1996
N	5,957,435	09/28/1999	Bronstad	256	13.1	07/11/1997
O	6,220,575	04/24/2001	Lindsay et al.	256	13.1	01/18/1995
P	6,308,809	10/30/2001	Reid et al.	188	377	05/07/1999
Q	6,637,971	10/28/2003	Carney, III et al.	404	6	11/01/2001
R						
S						

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES NO
T						

DOCUMENT (Including Author, Title, Source, and Pertinent Pages)

DATE

U	EXAMINER	DATE CONSIDERED
		6/22/04

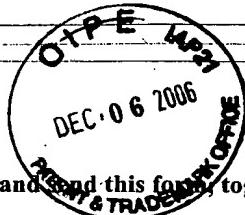
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

U.S. PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.
017575.0922

PATENT SERIAL NUMBER
10/091,838

EXHIBIT B



PART B - FEE(S) TRANSMITTAL

Complete and sign this form, together with applicable fee(s), to: **Mail**

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(703) 746-4000

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

05073 7590 09/09/2004

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EV322186336US

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

See attached Certificate of Express Mail No. EV322186336US	
(Signature)	
(Date)	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,838	03/06/2002	Dean C. Alberson	017575.0922	8562

TITLE OF INVENTION: HYBRID ENERGY ABSORBING REUSABLE TERMINAL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	12/09/2004
EXAMINER	ART UNIT		CLASS-SUBCLASS		
FLANDRO, RYAN M	3679		256-013100		

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Baker Botts L.L.P.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

The Texas A&M University System

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

College Station, TX

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee

A check in the amount of the fee(s) is enclosed.

Publication Fee (No small entity discount permitted)

Payment by credit card. Form PTO-2038 is attached.

Advance Order - # of Copies 10

The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 02-0384 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Typed or printed name Luke K. Pedersen

Date 9/14/04

Registration No. 45,003

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dean C. Alberson, et al.
Serial No.: 10/091,838
Filed: March 6, 2002
Group No.: 3679
Examiner: Ryan M. Flandro
Notice of Allowance Mailed: September 9, 2004
Confirmation No.: 8562
Title: HYBRID ENERGY ABSORBING REUSABLE TERMINAL

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicants appreciate the Examiner's allowance of Claims 9-12, 14-21, and 33-35. Pursuant to 37 C.F.R. § 1.104, Applicants respectfully issue a statement commenting on the Examiner's reasons for allowance. Applicants respectfully disagree with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicants do not admit to any characterization or limitation of the claims or to any characterization of a reference by the Examiner, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants

Luke K. Pedersen
Registration No. 45,003

Date: 9/14/04
2001 Ross Avenue, Suite 600
Dallas, TX 75201-2980
(214) 953-6655
Attorney Docket No. 017575.0922
Customer No.: **05073**



ATTORNEY DOCKET NO.: 0175755.0922

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Application of: Dean C. Alberson, et al.
Serial No.: 10/091,838
Filed: March 6, 2002
Group No.: 3679
Examiner: Ryan M. Flandro
Notice of Allowance Mailed: September 9, 2004
Confirmation No.: 8562
Title: HYBRID ENERGY ABSORBING REUSABLE TERMINAL

ATTENTION: OFFICIAL DRAFTSMAN

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

TRANSMITTAL OF CORRECTED FORMAL DRAWINGS

Pursuant to the Notice of Allowability mailed September 9, 2004, transmitted herewith for filing in the above-identified patent application are four sheets of corrected formal drawings.

Acceptance and entry of these corrected drawings is respectfully requested.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicants

Luke K. Pedersen
Registration No. 45,003

Date 9/14/04

Customer No. 05073



*Serial No.: 10/091,838
Art Unit: 3679
Confirmation No.: 8562
Sheet 1 of 4
Replacement Sheets*

1/4

Fig.

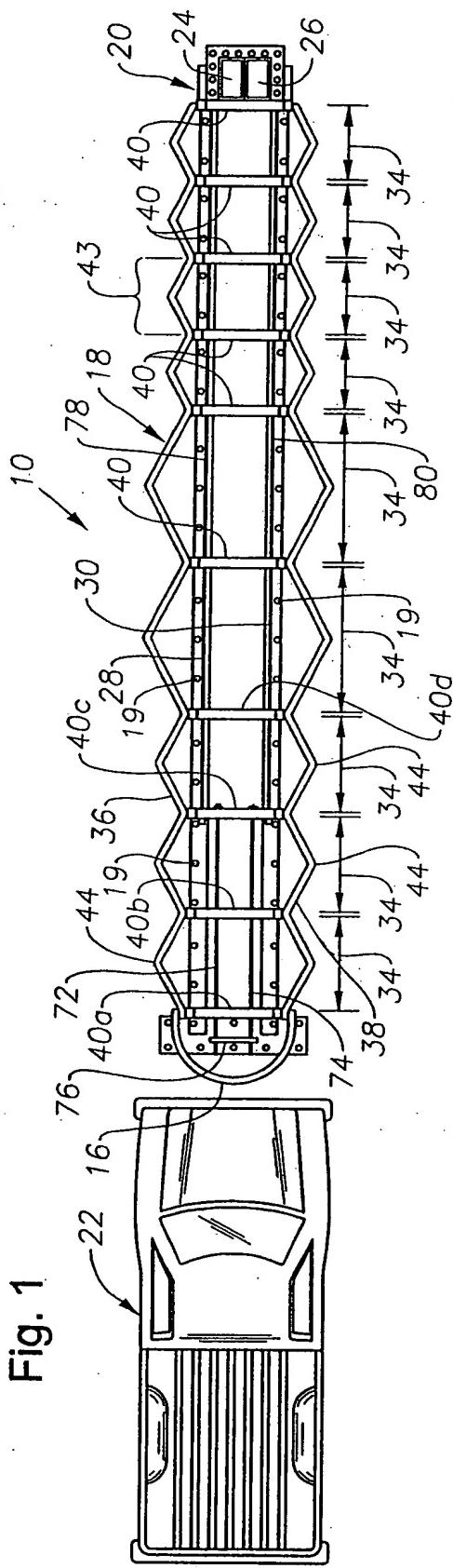
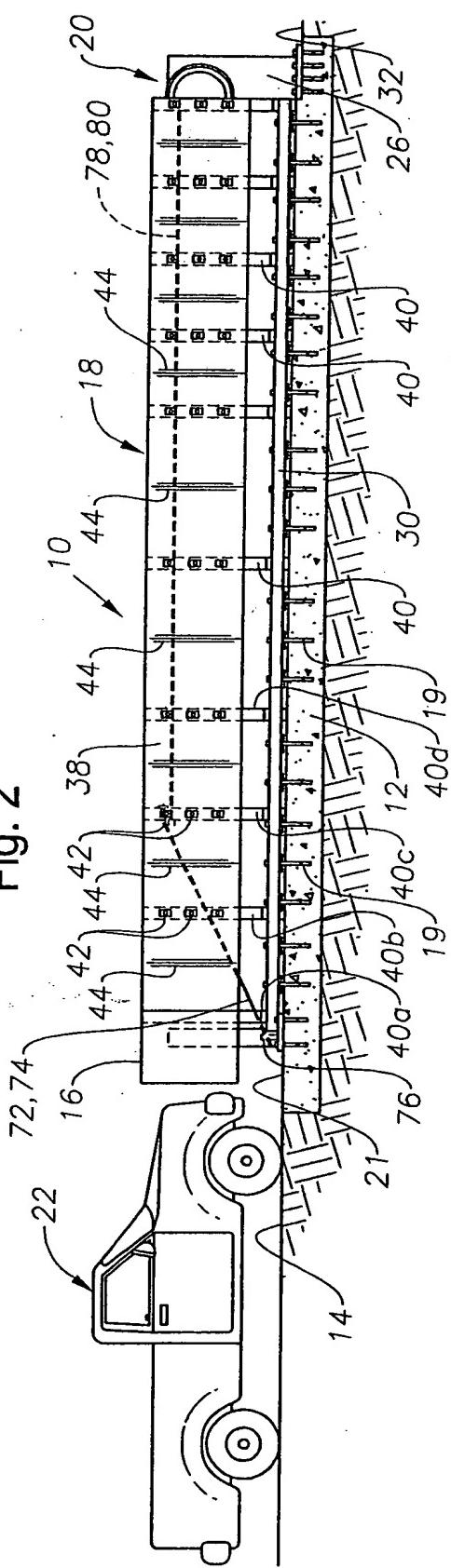


Fig. 2



2/4

Fig. 3

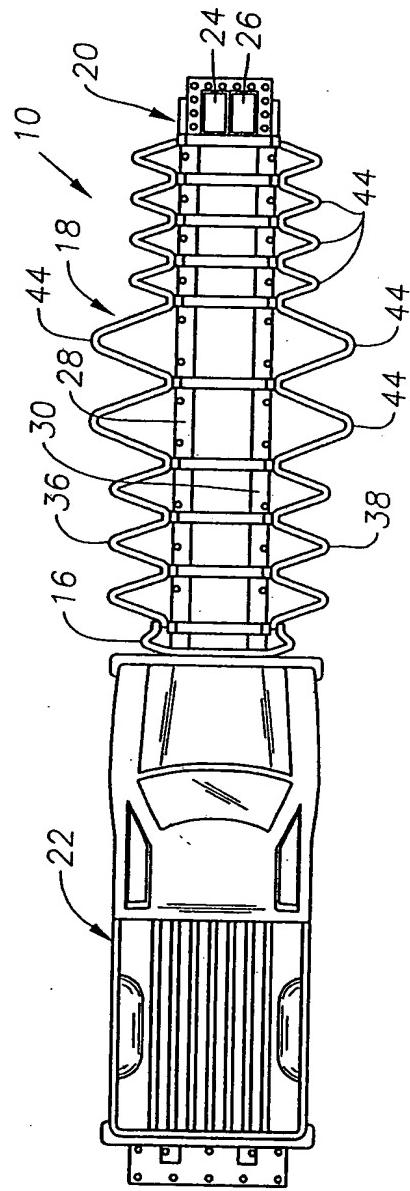
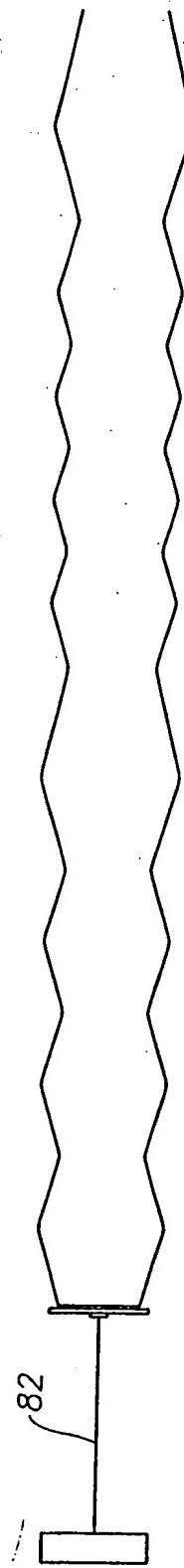


Fig. 7



3/4

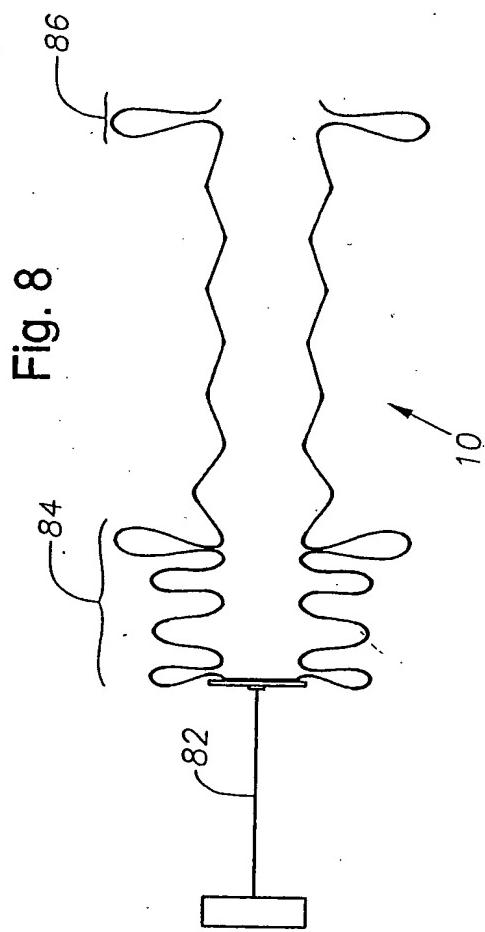


Fig. 9

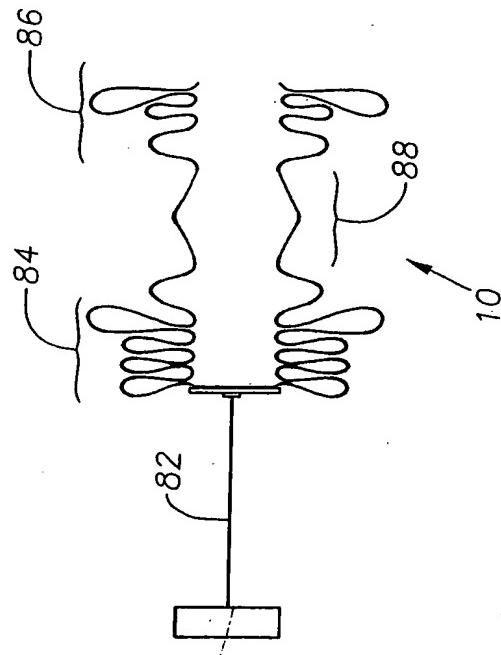
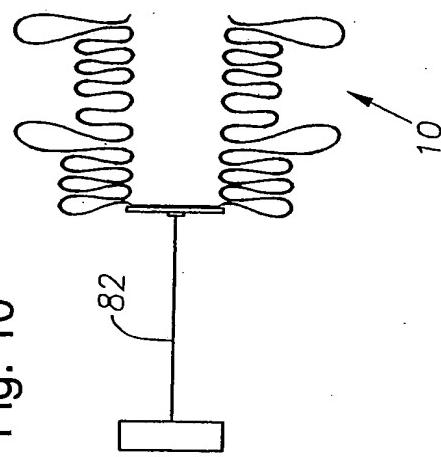


Fig. 10



4/4

FIG. 4

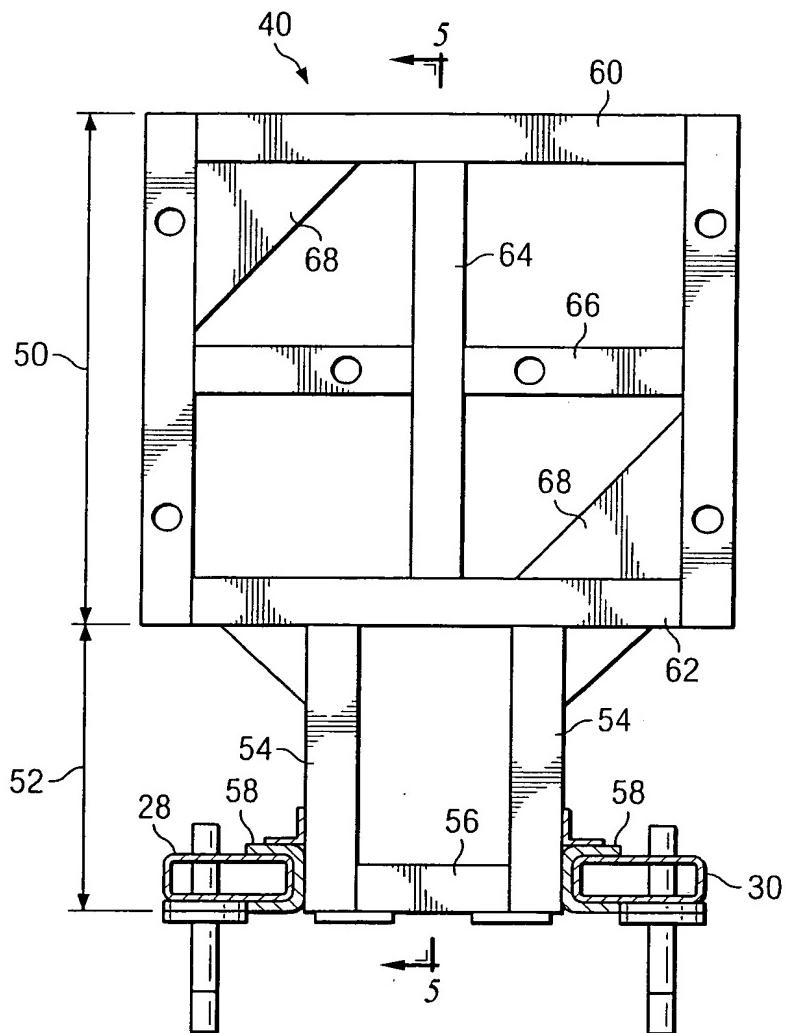


FIG. 5

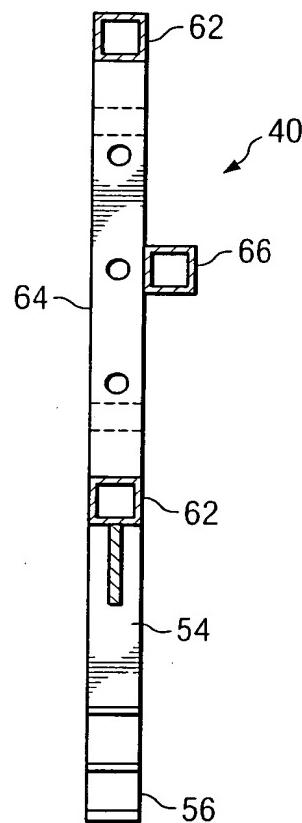
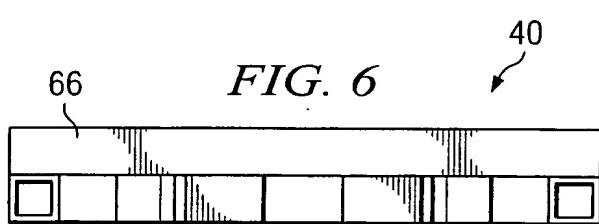


FIG. 6





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dean C. Alberson, et al.
Serial No.: 10/091,838
Filed: March 6, 2002
Group No.: 3679
Examiner: Ryan M. Flandro
Notice of Allowance Mailed: September 9, 2004
Confirmation No.: 8562
Title: HYBRID ENERGY ABSORBING REUSABLE TERMINAL

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Issue Fee Transmittal (PTOL-85) (one page), one copy of the Issue Fee Transmittal; Comments on Allowance (one page), four sheets of Formal Drawings, and Formal Drawings Transmittal (one page) are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on this 14th day of September 2004 addressed to Mail Stop ISSUE FEE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Willie Jiles
Willie Jiles

Express Mail Receipt
No. EV 32218636 US

ATTORNEY DOCKET NO.
017575.0922

PATENT SERIAL NUMBER
10/091,838

EXHIBIT C



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,838	12/14/2004	6830237	017575.0922	8562

5073 7590 11/25/2004

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

DOCKETED

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Dean C. Alberson, Bryan, TX;
D. Lance Bullard JR., College Station, TX;
Christopher J. Karpathy, Dallas, TX;
John F. Carney III, Falmouth, MA;

ATTORNEY DOCKET NO.
017575.0922

PATENT SERIAL NUMBER
10/091,838

EXHIBIT D



Baker Botts L.L.P.
2001 Ross Avenue
Suite 600
Dallas, TX 75201-2980

DOCKETED

MAILED
FROM DIRECTOR'S OFFICE

DEC 09 2004

TECHNOLOGY CENTER 3600

In re Application of :
Dean C. Alberson, et.al. :
Application No. 10/091,838 :
Filed: March 6, 2002 :
Attorney Docket No. 017575.0922 :

**NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 CFR § 1.313**

The above-identified application is withdrawn from issue pursuant to 37 CFR § 1.313 due to an interference. The reasons therefore will be communicated to you by the examiner.

The above-identified application is hereby withdrawn from issue.

United States Patent and Trademark Office (USPTO) records indicate that the issue fee has not yet been submitted. If the issue fee and publication fee has been submitted, applicant may request: (1) a refund; or, (2) that the fee be credited to a deposit account. Applicant may, however, wait until such time as the application is either allowed or abandoned to make such request. If the application is subsequently allowed, upon receipt of a new Notice of Allowance and Issue and Publication Fee Due, applicant may further request that the previously submitted issue fee and publication fee be applied toward payment of the issue fee and publication fee in the amount identified in the new Notice of Allowance and Issue and Publication Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a specified Deposit Account.

Telephone inquiries should be directed to Supervisory Patent Examiner Tom Will at (703) 308-2151.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.



Donald T. Hajec, Director
Technology Center 3600

ATTORNEY DOCKET NO.
017575.0922

PATENT SERIAL NUMBER
10/091,838

EXHIBIT E



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,838	03/06/2002	Dean C. Alberson	017575.0922	8562
5073	7590	01/10/2005		
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				EXAMINER
				FLANDRO, RYAN M
			ART UNIT	PAPER NUMBER
			3679	

DOCKETED

*Expiration of Suspension
July 10, 2005*

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/091,838

Applicant(s)

ALBERSON ET AL.

Examiner

Daniel P. Stodola

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to Communication (Withdrawal from Issue letter of 12/9/04).
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 9-12, 14-21 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 9-12, 14-21 and 33-35 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____ |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

All claims are allowable. However, due to a potential interference, *ex parte* prosecution is SUSPENDED FOR A PERIOD OF SIX (6) MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stodola whose telephone number is (703) 308-2686. The examiner can normally be reached on Monday through Friday from 6:00 a.m. to 2:30 p.m.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

STODOLA

January 6, 2005

ATTORNEY DOCKET NO.
017575.0922

PATENT SERIAL NUMBER
10/091,838

EXHIBIT F



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alberson, et al.

Serial No.:

10/091,838

Filing Date:

March 6, 2002

Group Art Unit:

3679

Examiner:

Ryan M. Flandro

Confirmation No.

8562

Notice of Allowance Mailed:

September 9, 2004

Title:

HYBRID ENERGY ABSORBING REUSABLE
TERMINAL

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

"EXPRESS MAIL"

Express Mailing Label Number
EV 323316324 US

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Willie Jiles

Willie Jiles

Date: March 14, 2005

RESPONSE TO NOTICE OF WITHDRAWAL FROM ISSUE

Applicants hereby respond to the Notice of Withdrawal from Issue mailed by the USPTO ("the Patent Office") on December 9, 2004.

Applicants received an Issue Notification dated November 25, 2004 for this application providing a projected patent number of 6,830,237 and a projected issue date of December 12, 2004. This application was withdrawn from issue on December 9, 2004, just before its projected issue date, in response to a Request for Interference filed in a Reissue Application of U.S. Pat. 6,623,204 ("the Buehler Application"). That request for interference seeks an interference between the Buehler Application and this present application.

The Request for Interference argues that U.S. Patent 6,461,076 ("the Stephens Patent") — which was made of record in the prosecution of the present application — shows the elements of the claims of the present application, and that the Buehler Application shows the same elements because the Buehler Application is a reissue of a divisional application of the Stephens Application. In doing so, the Request for Interference makes much of the fact that at one point during prosecution of the present application some claims that were pending at the time were rejected over the Stephens Application. This emphasis may have caused the Patent Office to overlook certain pertinent facts when deciding to withdraw the present application from issue:

- The present application was explicitly determined patentable over the Stephens Patent by the Patent Office: "The Examiner confirms that the claims in the instant application distinguish over the cited prior art (including the Stephens reference) for reasons indicated . . . ". Notice of Allowance and Issue Fee Due, mailed September 9, 2004, p.2 *Examiner's Reasons for Allowance*.
- Stephens was considered on the merits by the Patent Office and was not considered unavailable as prior art due to a swear-behind affidavit. ("The Affidavit submitted 15 April 2003 . . . was not considered in the most recent Office Action and the claims are allowable for the reasons indicated in the May 6th Office action). Notice of Allowance and Issue Fee Due, mailed September 9, 2004, p.2 *Examiner's Reasons for Allowance*.
- The Patent Office would have to reverse its earlier explicit decision that the present application was patentable over the Stephens Patent in order to declare an interference.

That the Patent Office explicitly considered the Stephens Patent and determined that it did not show the elements of the allowed claims may well have been overlooked in deciding to withdraw the present application from issue. This is likely, given the emphasis in the Request for Interference on the rejection in the early stages of prosecution of the then currently-pending claims over the Stephens reference and the filing of the associated swear-

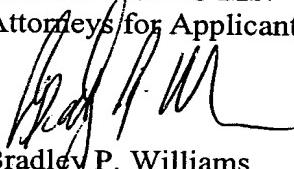
behind affidavit. And this possible oversight would be understandable given the expedited nature of the decision to withdraw the present application just days before issuance.

CONCLUSION

In light of the above, Applicants respectfully request that the Patent Office consider the above-listed facts and reconsider the decision to withdraw the present application from issue. This would be particularly appropriate in this case to avoid encouraging the use of the interference procedures as a post-allowance opposition proceeding — it can be seen that this Request for Interference essentially requests the Patent Office to reconsider an Examiner's patentability determination, something the Interference procedures were not intended to allow.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Bradley P. Williams
Reg. No. 40, 227

Date: March 14, 2004

Correspondence Address:

Customer Number: **05073**

ATTORNEY DOCKET NO.
017575.0922

PATENT SERIAL NUMBER
10/091,838

EXHIBIT G



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,838	03/06/2002	Barry C. Alleson	017575.0922	8562

5073 7590 10/26/2005

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

DOCKETED

*Examination of
Suspension*

April 26, 2005

EXAMINER

STODOLA, DANIEL P

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/091,838	ALBERSON ET AL.	
	Examiner	Art Unit	
	Daniel P. Stodola	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 9-12, 14-21 and 33-35 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 9-12, 14-21 and 33-35 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Application/Control Number: 10/091,838
Art Unit: 3679

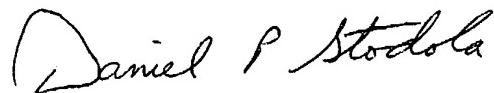
Page 2

All claims are allowable. However, due to a potential interference, *ex parte* prosecution is SUSPENDED FOR A PERIOD OF SIX (6) MONTHS from the date of this letter. This is a second six months suspension. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stodola whose telephone number is (571) 272-7087. The examiner can normally be reached on Monday through Friday from 6:00 a.m. to 2:30 p.m.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

STODOLA

October 18, 2005



APPROVED BY
DONALD T. HAJEC
DIRECTOR, TECHNOLOGY CENTER 3600

ATTORNEY DOCKET NO.
017575.0922

PATENT SERIAL NUMBER
10/091,838

EXHIBIT H

ATTORNEY DOCKET NO.
017575.0922 (TAMUS 1634)

PATENT APPLICATION
Serial No. 10/091,838



1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ALBERSON, et al.
Serial No.: 10/091,838
Filing Date: March 6, 2002
Group Art Unit: 3679
Examiner: Ryan M. Glandro
Title: **HYBRID ENERGY ABSORBING REUSABLE TERMINAL**

MAIL STOP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE of MAILING 1ST CLASS U.S. POSTAL SERVICE	
I hereby certify that this paper or fee is being deposited with the United States Postal Service "1 ST Class Mail Postage Paid to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	<u>Candice R. Rockett</u> Candice R. Rockett
Date:	<u>3-8-05</u>

REQUEST FOR STATUS

Please advise the status of the above-identified patent application. The Filing Receipt was received August 6, 2002. Applicant is currently awaiting an Office Action.

ATTORNEY DOCKET NO.
017575.0922 (TAMUS 1634)

PATENT APPLICATION
Serial No. 10/091,838

2

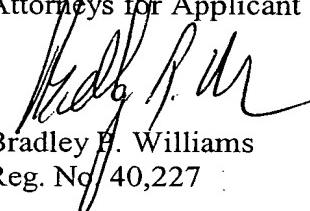
REMARKS

Under 37 C.F.R. § 1.702(a)(1), it has been over fourteen months since the filing date of this Application and a Notification under 35 U.S.C. § 132 has not been received. Thus, a period of adjustment of patent term due to examination delay is accruing in accordance with 37 C.F.R. § 1.703(a)(1).

If there are any matters that can be cleared up through a telephone conversation, please contact the undersigned attorney for Applicant at the telephone number listed below.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant


Bradley P. Williams
Reg. No. 40,227

Date: 3/7/05

CORRESPONDENCE ADDRESS

Customer No.: **05073**
Attorney Docket No. 017575.0922 (TAMUS 1634)

ATTORNEY DOCKET NO.
017575.0922 (TAMUS 1634)

PATENT APPLICATION
Serial No. 10/091,838



1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ALBERSON, et al.

Serial No.: 10/091,838

Filing Date: March 6, 2002

Group Art Unit: 3679

Examiner: Ryan M. Glandro

Title: **HYBRID ENERGY ABSORBING REUSABLE TERMINAL**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**CERTIFICATE of MAILING
1ST CLASS U.S. POSTAL SERVICE**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "1ST Class Mail Postage Paid to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Candice R. Rockett
Candice R. Rockett

Date: July 21, 2005

SECOND REQUEST FOR STATUS

Please advise the status of the above-identified patent application. The Issue Fee was paid on September 14, 2004, and the application was withdrawn from issue on December 9, 2004.

ATTORNEY DOCKET NO.
017575.0922 (TAMUS 1634)

PATENT APPLICATION
Serial No. 10/091,838

2

REMARKS

If there are any matters that can be cleared up through a telephone conversation, please contact the undersigned attorney for Applicant at the telephone number listed below.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant



Bradley P. Williams
Reg. No. 40,227

Date: 7/21/05

CORRESPONDENCE ADDRESS

Customer No.: **05073**
Attorney Docket No. 017575.0922 (TAMUS 1634)



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ALBERSON, et al.
Serial No.: 10/091,838
Filing Date: March 6, 2002
Group Art Unit: 36
Examiner: Daniel P. Stodola
Title: HYBRID ENERGY ABSORBING REUSABLE TERMINAL

MAIL STOP _____

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING 1 ST CLASS U.S. POSTAL SERVICE	
I hereby certify that this paper or fee is being deposited with the United States Postal Service "1 ST Class Mail Postage Paid to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	<u>Candice R. Rockett</u> Candice R. Rockett
Date:	<u>4.26.06</u>

REQUEST FOR STATUS

Please advise the status of the above-identified patent application. The Issue Fee was paid on September 14, 2004 and the application was withdrawn from issue on December 9, 2004. An Office Communication mailed October 26, 2005 stated that all claims are allowed. However, *ex parte* prosecution was suspended for a period of six (6) months, ending on April 26, 2006.

If there are any matters that can be cleared up through a telephone conversation, please contact the undersigned attorney for Applicants at the telephone number listed below.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants



Luke K. Pedersen
Reg. No. 45,003
PHONE: (214)953-6655

Date: 4/26/2006

CORRESPONDENCE ADDRESS

Customer No.: **05073**
Attorney Docket No. 017575.0922 (TAMUS 1634)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ALBERSON, et al.
Serial No.: 10/091,838
Filing Date: March 6, 2002
Confirmation No.: 8562
Group Art Unit: 36
Examiner: Daniel P. Stodola
Title: **HYBRID ENERGY ABSORBING REUSABLE TERMINAL**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA ELECTRONICALLY
TRANSMITTED TO THE USPTO
ON SEPTEMBER 29, 2006.

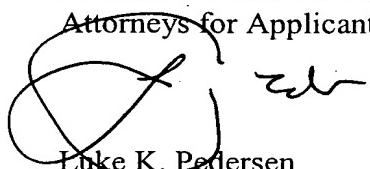
Dear Sir:

SECOND REQUEST FOR STATUS

Please advise the status of the above-identified patent application. The Issue Fee was paid on September 14, 2004 and the application was withdrawn from issue on December 9, 2004. An Office Communication mailed October 26, 2005 stated that all claims are allowed. However, *ex parte* prosecution was suspended for a period of six (6) months, ending on April 26, 2006.

If there are any matters that can be cleared up through a telephone conversation, please contact the undersigned attorney for Applicants at the telephone number listed below.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants



Luke K. Pedersen
Reg. No. 45,003
Phone: (214)953-6655

Date: 9/28/06

CORRESPONDENCE ADDRESS

Customer No.: **05073**

ATTORNEY DOCKET NO.
017575.0922

PATENT SERIAL NUMBER
10/091,838

EXHIBIT I



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

DOCKETED

NOTICE OF ALLOWANCE AND FEE(S) DUE

05073 7590
BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

10/04/2006

*Issue Fee Due: January 4, 2007
Pay: December 4, 2006*

EXAMINER	
STODOLA, DANIEL P	
ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 10/04/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,838	03/06/2002	Dean C. Alberson	017575.0922	8562

TITLE OF INVENTION: HYBRID ENERGY ABSORBING REUSABLE TERMINAL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$665	\$700	01/04/2007

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

05073 7590 10/04/2006

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,838	03/06/2002	Dean C. Alberson	017575.0922	8562

TITLE OF INVENTION: HYBRID ENERGY ABSORBING REUSABLE TERMINAL

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$665	\$700	01/04/2007
EXAMINER	ART UNIT		CLASS-SUBCLASS			
STODOLA, DANIEL P	3679		256-013100			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,838	03/06/2002	Dean C. Alberson	017575.0922	8562
05073	7590	10/04/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				STODOLA, DANIEL P
ART UNIT		PAPER NUMBER		
		3679		
DATE MAILED: 10/04/2006				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/091,838	ALBERSON ET AL.	
	Examiner Daniel P. Stodola	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to communication of September 29, 2006.

2. The allowed claim(s) is/are 9-12, 14-21 and 33-35.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

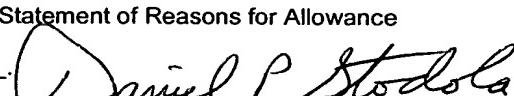
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

ATTORNEY DOCKET NO.
017575.0922

PATENT SERIAL NUMBER
10/091,838

EXHIBIT J

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/091,838

Filing or 371(c) Date:	03-06-2002	USPTO Delay (PTO) Delay (days):	13
Issue Date of Patent:	null	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	152
Post-Issue Petitions (days):	+0	Total PTA (days):	0
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
10-04-2006	Mail Notice of Allowance		
10-02-2006	Notice of Allowance Data Verification Completed		
09-29-2006	Miscellaneous Incoming Letter		
05-02-2006	Miscellaneous Incoming Letter		
05-08-2006	Date Forwarded to Examiner		
05-08-2006	to Close the A/R Record and Reset the Status for Expired Suspensions.		
10-26-2005	Mail Letter of Suspension		
10-21-2005	Letter of Suspension - Examiner Initiated		
08-08-2005	Date Forwarded to Examiner		
08-08-2005	to Close the A/R Record and Reset the Status for Expired Suspensions.		
04-04-2005	Case Docketed to Examiner in GAU		
01-10-2005	Mail Letter of Suspension		
01-06-2005	Letter of Suspension - Examiner Initiated		
01-06-2005	Case Docketed to Examiner in GAU		
12-08-2004	Date Forwarded to Examiner		
12-08-2004	Withdrawal of Notice of Allowance		
12-08-2004	Case Docketed to Examiner in GAU		
12-01-2004	Withdrawal Patent Case from Issue		
11-25-2004	Issue Notification Mailed		
12-14-2004	Patent Issue Date Used in PTA Calculation		
11-08-2004	Receipt into Pubs		
11-05-2004	Dispatch to FDC		
11-05-2004	Application Is Considered Ready for Issue		
09-14-2004	Issue Fee Payment Verified		
09-14-2004	Workflow - Drawings Finished		
09-14-2004	Issue Fee Payment Verified		
09-14-2004	Response to Reasons for Allowance		
11-01-2004	Receipt into Pubs		
11-01-2004	Receipt into Pubs		
09-14-2004	Issue Fee Payment Received		
09-15-2004	Workflow - File Sent to Contractor		
09-09-2004	Mail Notice of Allowance		
09-09-2004	Mail Formal Drawings Required		
09-04-2004	Formal Drawings Required		
09-04-2004	Notice of Allowance Data Verification Completed		

06-18-2004	IFW TSS Processing by Tech Center Complete	
06-04-2004	Reference capture on IDS	
06-04-2004	Information Disclosure Statement (IDS) Filed	
06-18-2004	Date Forwarded to Examiner	
06-04-2004	Response after Non-Final Action	
06-04-2004	Workflow incoming amendment IFW	
05-06-2004	Mail Non-Final Rejection	
05-03-2004	Non-Final Rejection	
04-27-2004	Correspondence Address Change	
04-27-2004	Change in Power of Attorney (May Include Associate POA)	
04-26-2004	Date Forwarded to Examiner	
04-26-2004	Date Forwarded to Examiner	
03-23-2004	Request for Continued Examination (RCE)	49
04-26-2004	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	↑
03-23-2004	Request for Extension of Time - Granted	↑
03-23-2004	Workflow - Request for RCE - Begin	↑
01-28-2004	Mail Advisory Action (PTOL - 303)	↑
01-26-2004	Advisory Action (PTOL-303)	↑
01-21-2004	Date Forwarded to Examiner	↑
01-02-2004	Amendment after Final Rejection	↑
11-03-2003	Mail Final Rejection (PTOL - 326)	↑
10-29-2003	Final Rejection	
10-21-2003	Date Forwarded to Examiner	
10-14-2003	Amendment after Final Rejection	
08-28-2003	Mail Final Rejection (PTOL - 326)	13
08-25-2003	Final Rejection	↑
07-25-2003	Information Disclosure Statement (IDS) Filed	101
06-17-2003	Date Forwarded to Examiner	↑
04-15-2003	Response after Non-Final Action	2
04-24-2003	Case Docketed to Examiner in GAU	↑
03-06-2003	Information Disclosure Statement (IDS) Filed	↑
04-15-2003	Incoming Letter Pertaining to the Drawings	↑
04-15-2003	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	↑
01-13-2003	Mail Non-Final Rejection	↑
01-10-2003	Non-Final Rejection	
06-17-2002	Case Docketed to Examiner in GAU	
06-06-2002	Application Dispatched from OIPE	
06-05-2002	Application Is Now Complete	
05-20-2002	Additional Application Filing Fees	
05-20-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	
04-10-2002	Notice Mailed--Application Incomplete--Filing Date Assigned	
03-21-2002	IFW Scan & PACR Auto Security Review	
03-06-2002	Initial Exam Team nn	